

## James Duepner v. GEICO Casualty Co.

Year: 2017

Court: Arizona Supreme Court

Case Number: CV-17-0216-PR

Punitive damages are an essential check on abuse and overreaching by insurance companies making coverage decisions and adjusting claims. There is a vast gulf between the power and wealth of insurance companies and their insurance consumers. It is true that many insurers act responsibly in the adjustment of claims. On the other hand, there are repeated cases in every jurisdiction where insurers have engaged in oppressive, unfair, and outrageous claims practices, often at the expense of desperate consumers who needed their insurance benefits in times of crisis, distress, and extreme deprivation. Thus, UP seeks to ensure that courts fairly evaluate the facts that may support a punitive-damages claim against an insurer, especially in the early stages of litigation, where discovery is often incomplete and the full extent of the insurer's motives and conduct is still uncertain. UP is interested in making sure that the judicial standards for letting punitive damages go to the jury in insurance cases are evenhanded, uniform, predictable, fair, and understandable and that the decision whether punitive damages are proper remains where it belongs—with the jury.

UP's brief was authored pro bono by David L. Abney, Esq. of Ahwatukee Legal Office, P.C.